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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HEARTLAND PAYMENT SYSTEMS,
INC.,

Plaintiff,

v.

INDEPENDENT ENTERTAINERS
ASSOCIATION, INC., et al.,

Defendants.

2:10-CV-2011 JCM (LRL)

ORDER

Presently before the court is plaintiff Heartland Payment Systems' motion for default judgment against defendant IEA, Inc. (Doc. #15).

Pursuant to Federal Rule of Civil Procedure 55(a) "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Federal Rule of Civil Procedure 55(b)(2) provides that a court may enter a default judgment after the party seeking default applies to the clerk of the court as required by subsection (a) of this rule.

Here, defendant has been duly served (*see* doc. #8), but has failed to respond to the complaint. Accordingly, plaintiff applied to the clerk of the court for entry of default against defendant on May 18, 2011 (doc. #12), and the clerk entered default on May 19, 2011, (doc. #13).

Upon entry of default, the complaint's factual allegations regarding liability are taken as true,

1 and only allegations relating to damages must be proven. *TeleVideo Sys., Inc. v. Heidenthal*, 826
2 F.2d 915, 917–18 (9th Cir. 1987). Here, plaintiff has provided sufficient documentary evidence,
3 supported by the declaration of Charles Kallenbach, to establish an entitlement to judgment against
4 IEA. However, plaintiff shall make its application for attorney's fees in accordance with the
5 requirements of Local Rule 54-16, as that motion is currently untimely.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for
8 default judgment against defendant IEA, Inc., (doc. #15) be, and the same hereby is, GRANTED.
9 Plaintiff shall prepare an appropriate judgment for the court's review and signature.

10 DATED July 26, 2011.

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13 **UNITED STATES DISTRICT JUDGE**